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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,086	08/31/2001	Alan Asay	P 268225 RM-1	8118

909 7590 10/10/2006

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EXAMINER

CALLAHAN, PAUL E

ART UNIT PAPER NUMBER

2137

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,086

Applicant(s)

ASAY ET AL.

Examiner

Paul Callahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 57-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,57-61 and 63-75 is/are rejected.
- 7) ☒ Claim(s) 62 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9-8-06 has been entered.

2. Claims 1 and 57-75 are pending and have been examined.

Response to Arguments

3. Applicant's arguments filed 9-8-06 have been fully considered but they are not persuasive.

The applicant argues that claim 1 may be distinguished from the teachings of Williams et al. US 5,815,657 (henceforth Williams) by asserting that Williams fails to teach the feature recited by claim 1 of obtaining electronic signals representing a request for transactional assurance based on a transaction involving a subscriber. The Applicant argues that the cited portion of Williams: (cited to fig. 29, col. 13 line 40-col. 14 line 23) merely teaches a payment manager that that acts as a conduit for directing requests for payment from a Merchant to a customer. Yet the cited sections of Williams also teach receipt of certificate information from a customer wallet manager, which

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constitutes assurance of intent and an ability to pay. The Merchant makes a request for payment authorization, which reads on a reasonably broad interpretation of the claim language of a request for transaction assurance.

The Applicant argues that there is no teaching in Williams of making a determination of whether to provide the requested transactional assurance based on at least the subscriber assurance, as is recited in claim 1. Yet the Payment manager will not provide payment authorization if there is no receipt of a certificate message from the consumer. This reads on a reasonably broad interpretation of the claim language of a "determination".

The Applicant argues that Williams also fails to disclose issuing electronic signals representing transactional assurance to a relying party as recited in claim 1. The applicant asserts that Williams cannot be construed to teach such since the payment manager is not configured to make a determination as to the authenticity of the client's certificate. Such a feature is not found in the applicant's claim language, and such was not asserted by the Examiner to be a feature of Williams. The Payment manager of Williams will not authorize payment absent receipt of the customer's certificate.

Additional support for this anticipation rejection is found in col. 13 lines 47-50 where Williams describes the functions of the payment manager as communicating with the consumer to authorize and complete the payment request from a merchant. Williams separates these steps of authorization and payment, and as such the authorization step reads on the claim language of "assurance". It is the customer providing the assurance in Williams, not the payment manager, by virtue of authorizing the transaction, sending

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a certificate in support of such. The applicant's attention is called also to fig. 5 elements 575, 576 where a message (hence electronic signals) representing payment authorization is sent to the merchant. This reads on an assurance message (electronic signals) being sent.

The applicant asserts that Williams fails to teach creating a reliance request message specifying at least one aspect of the transaction, as recited by claim 63. The Examiner again maintains that the payment request received by the payment manager reads on a reasonably broad interpretation of the claim language since the payment request message does contain information regarding at least one aspect of the transaction. Fig. 5 element 540 shows such a payment request message containing, for example, a Goods and Services Order (GSO).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1, 57-61, and 63-75 are rejected under 35 U.S.C. 102(a) as being anticipated by Williams et al., US 5,815,657.

As for claim 1, Williams et al. teaches a method of managing reliance in an electronic transaction system (Abstract) the method comprising: obtaining electronic signals representing subscriber assurance of an attribute of a subscriber to the system (fig. 29), the subscriber assurance issued by a certification authority (fig. 30, col. 11 lines 30-37, col. 36 lines 63-67, col. 37 lines 1-12); obtaining electronic signals representing a request for transactional assurance based on at least the subscriber assurance based on a transaction involving the subscriber (col. 13 line 40 through col. 14 line 23: the Payment Manager receives the request for transactional assurance (i.e., authorization to pay or payment) from the merchant, and receives certificate information from the user (user's wallet manager)); determining whether to provide the requested transactional assurance, based on at least the subscriber assurance (col. 13 line 40 through col. 14 line 23: the Payment Manager receives the request for transactional assurance (i.e., authorization to pay or payment) from the merchant, and receives certificate information from the user (user's wallet manager)) ; and, depending on the said determining, issuing electronic signals representing transactional assurance to the relying party (fig. 34: Payment Window).

As for claim 57, Williams teaches the method of claim 1, wherein the subscriber assurance comprises (a) an identification assurance of the identity of the subscriber, or (b) an authorization assurance of authorization of the subscriber, or (c) both (a) and (b) (col. 13 line 41 through col. 14 line 6: Payment Manager receives a user certificate containing I.D. information).

As for claim 58, Williams teaches the method of claim 1, wherein the subscriber assurance comprises electronic signals representing a certificate (col. 13 line 41 through col. 14 line 6: Payment Manager receives a user certificate containing I.D. information).

As for claim 59, Williams teaches the method of claim 1, wherein the determining is based also on information provided by the relying party (col. 13 line 41 through col. 14 line 6: Payment Manager receives a user certificate containing I.D. information and certificate information from the Merchant).

As for claim 60, Williams teaches the method of claim 1, wherein the request for transactional assurance comes from the relying party (col. 13 lines 40-53: Merchant payment request also contains assurance information such as the merchant certificate sent to the payment manager).

As for claim 61, Williams teaches the method of claim 1, wherein the request for transactional assurance includes a request for a guarantee of an aspect of the transaction and comprising (col. 13 lines 40-50: Merchant sends transaction details and his certificate): validating information in the request for transaction assurance to determine whether to provide the guarantee for the aspect of the transaction (col. 16 lines 19-25: Merchant is verified); and sending electronic signals representing an

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indication of whether the aspect of the transaction will be guaranteed (col. 16 lines 19-25: a message is sent as to whether Merchant is verified or not, and therefore whether payment will be made or not).

Claims 63-75 are directed towards a computer program that directs a computer to carry out the method steps of claims 1 and 57-61. Claims 63-75 contain substantially the same limitations as claims 1 and 57-61. Therefore claims 63-75 are rejected on the same basis as claims 1 and 57-61.

Allowable Subject Matter

6. Claim 62 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The closest prior art in the field, Williams 5,815,657 does not teach electronic signals representing subscriber assurance that are a time-based certificate specifying a stated reliance limit.

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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

9-28-06

Paul Callahan

E. Moise
EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER